

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

TOCAYS PAUL BIENVINIDO,
Petitioner

CIVIL ACTION 1:13-CV-01528

VERSUS

ERIC HOLDER, et al.,
Defendants

JUDGE TOM STAGG
MAGISTRATE JUDGE KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Respondents' motion to dismiss (Doc. 11) is GRANTED and Bienvinido's habeas petition is DISMISSED AS MOOT.

Additionally, the Court notes the copy of the report and recommendation mailed September 19, 2013 to Mr. Bienvinido's last known address was returned to the Clerk of Court on September 30, 2013, marked "return to sender." Thirty days have passed since September 30, 2013, but no correction to Plaintiff's address has been received by the Court. Therefore, dismissal for failure to prosecute under Local Rule 41.3W of the Uniform District Court Rules is also appropriate. Accordingly,

IT IS ORDERED that Respondents' motion to dismiss (Doc. 11) is GRANTED and Bienvinido's habeas petition is DISMISSED AS MOOT.

THUS ORDERED AND SIGNED in Chambers at Shreveport, Louisiana, on this 15th day of November, 2013.


JUDGE TOM STAGG
UNITED STATES DISTRICT JUDGE